03

For heirs & executors

Inherited a Cape House?

The Inherited Cape Property Starter Guide — where to start when nothing is urgent yet: probate, family logistics, and the realistic timeline.

16 pages

Brewster · Chatham · Harwich · Orleans · Eastham



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Your Realistic 6–18 Month Timeline

If you only do three things this month

1. Change the locks and confirm the heat is on and the insurance is still in force. An empty Cape house in February is the expensive kind of problem.
2. Get a written date-of-death valuation. It sets the tax basis and it is very hard to reconstruct later.
3. Tell the people leaving notes at the door that you will come back to them in the spring. Nothing about this needs deciding in the first month.

The timeline below is the whole arc. It is normal for it to take a year.

Every estate is different, but here is the rhythm most Lower Cape inherited-property sales actually follow. Share this with your family to set expectations.

Phase	Stage	Key milestones
Months 0–1	Stabilize	Change locks · confirm heat · verify insurance · locate will and key documents · engage probate attorney · get date-of-death valuation in writing. Do NOT make irreversible decisions about the house.

continued

Phase	Stage	Key milestones
Months 1–4	Probate setup	Petition filed (informal or formal) · Personal Representative appointed · notice published · creditors' claim period runs · estate inventory completed.
Months 3–6	Prepare the property	Family decision: sell, keep, or buyout · pre-listing prep (Title 5, cleanout, light repairs) · CMA to set list price · professional photography.
Months 4–9	Market & sell	List on MLS · showings and offers · negotiate · petition for License to Sell once offer accepted (if needed) · closing — the median across recent Lower Cape sales is 42 days from accepted offer, though a License to Sell adds several weeks.
Months 9–18	Estate close-out	Final accounting filed · distributions to heirs · final tax filings (estate income tax, possibly estate tax) · estate closed.

1 PHASE

The First 30 Days: Secure, Locate, Breathe

Three priorities, in this order: secure the property, locate the documents, and resist any pressure to make big decisions yet.

Secure the property

- Change or re-key the locks. Even with the best intentions in the family, too many people may have had access.
- Check the heat. On the Cape, even an empty house in November can suffer expensive damage if the boiler fails and pipes freeze. Keep heat at 55°F minimum, or have the system winterized.
- Confirm homeowner's insurance is in force. Many policies contain vacancy provisions that restrict coverage if the home is unoccupied beyond a specified period — the exact timeframe varies by policy. Call the agent listed on the declarations page immediately; explain the situation; ask what you need to do to maintain full coverage.
- Forward the mail to the executor or a family member.
- Stop or pause newspaper, lawn care, oil delivery, and any standing services that don't make sense for an empty house.

- If the property has a well, confirm someone is checking the basement weekly for leaks, freezing, or rodent issues.

Locate the documents

- Original will (if there is one) — usually in a home safe, safety deposit box, or with the family attorney
- Recorded deed (look up at barnstabledeeds.org if missing)
- Most recent mortgage statement
- Most recent property tax bill
- Homeowner's insurance declarations page
- Title 5 (septic) inspection records
- Any prior surveys, plot plans, or as-built drawings
- Closing folder from when the property was originally purchased
- A written list of utilities and account numbers (electric, water/sewer, oil/gas, internet, alarm)

Resist the urgency that doesn't actually exist

Real estate agents will start calling. Investors will leave notes at the door. Family members will share opinions. None of this requires an immediate decision. The cost of waiting 60 or 90 days to make a thoughtful choice is almost always lower than the cost of a rushed one.

About the cash offer

Someone will offer to buy the house as-is, for cash, without a cleanout. That offer is real and it is sometimes the right answer — if the house genuinely cannot be shown, if the family needs the matter closed quickly, or if no one has the appetite to manage a sale from three states away. Anyone who tells you those offers are always a swindle is selling you something too.

What is worth knowing before you take one is what the alternative actually costs you in time and trouble, because the picture people carry around — six months of renovation, endless showings, a house full of furniture to deal with — is usually worse than the real thing. Across recent Lower Cape sales, 47.1 per cent of homes sold for cash on the open market anyway; above $1.5 million it is 63.4 per cent. Cash buyers are not a separate world you have to opt into. Many of them are already bidding on ordinary listings.

The honest way to decide is to put the two numbers side by side — the as-is offer in hand, and a realistic net after a normal sale, including the cleanout and the months. Sometimes the gap is small enough that the easy road is plainly right. Often it is not. Either way it should be a comparison rather than a reflex, and you are entitled to see both figures before anyone asks you to sign.

Cape Cod & Islands MLS, closed sales in Brewster, Chatham, Harwich, Orleans and Eastham, September 2023 – September 2026, n=2,445.

2 PHASE

Probate Basics in Massachusetts

Probate is the legal process of administering an estate. In Massachusetts the modern framework is the Massachusetts Uniform Probate Code (MUPC), enacted as M.G.L. c. 190B, which took effect in 2012.

Two main paths

Informal probate

Reviewed by a magistrate, not a judge. No formal court hearing required. Suitable when there is a clear original will, no disputes among heirs, and no questions about document validity. Faster and less expensive — often complete in a few months.

Formal probate

Informal probate *continued*

Requires a court hearing before a judge. Used when there are disputes, missing documents, unclear heirs, or when title insurance complications are likely. Slower (typically 6–12 months for the appointment piece), but produces a court order that resolves ambiguities.

Cape Cod note on formal probate

Many Massachusetts probate attorneys recommend formal probate from the outset for Cape Cod real estate, even when informal would technically work. The reason is title insurance: title companies frequently want the certainty of a formal decree before insuring title to property that came through probate. Talk to your attorney about this trade-off before filing.

The Personal Representative (PR)

This is the person the will names — formerly called 'executor' — or, if there is no will, the person the court appoints. The PR has fiduciary duty to the estate and is the only person legally authorized to deal with the property.

- If there are multiple heirs, only the PR signs documents. Heirs do not all need to sign every paper.
- The PR is entitled to reasonable compensation from the estate. Massachusetts law does not set a fixed percentage formula; the fee should be discussed with your estate attorney and must be reasonable in relation to the services performed. Source: M.G.L. c. 190B § 3-719.
- The PR is legally on the hook if the estate is mishandled. It is a real job.

'License to Sell' real estate

The standard list of authorized PR powers under the MUPC does not automatically include selling real estate. You typically need either:

- A specific Power of Sale clause in the will (most well-drafted modern wills include this), OR
- A court-issued License to Sell, which the PR petitions for — an attorney-supervised, transaction-specific court process. Source: M.G.L. c. 190B § 3-715(23½) and M.G.L. c. 202.

The License to Sell process is court-supervised and transaction-specific. Your attorney handles this, but plan on it adding several weeks to the closing timeline. If you are unsure whether your will contains a power of sale, your probate attorney can confirm this at the outset.

3 PHASE

Taxes & Family Logistics

Step-up in basis (the good news)

Inherited property generally receives a stepped-up cost basis equal to its fair market value on the date of death. Source: IRC § 1014; see also IRS Publication 559. In plain English: if the original owners bought the house in 1972 for $42,000 and it is worth $1.1 million today, the heirs' basis is approximately $1.1 million — not $42,000. If you sell soon after death for approximately the same value, the taxable capital gain is small or zero.

- Get a written valuation (a formal appraisal or a defensible written CMA) as of the date of death. Keep it in the file permanently.
- Holding the property for years before selling can erode this benefit if the value rises significantly — talk to a CPA before assuming 'we'll just keep it for now.'

Massachusetts estate tax

Massachusetts has its own estate tax, separate from federal. As of 2026, Massachusetts generally taxes estates valued above $2 million (the exclusion was raised from $1 million in late 2023). Below that threshold, no Massachusetts estate tax is due. Above it, the tax can be material — and a Cape property alone is often enough to push an estate over the threshold. Confirm current thresholds with a Massachusetts CPA, as tax law can change. Source: M.G.L. c. 65C.

Family logistics

If there are multiple heirs

This is the part of the process that most often goes sideways — and least often for legal reasons. It goes sideways because grief, history, and money are sitting on the same kitchen table.

Decide early: are you selling the house, or is one heir buying the others out? Do not let this drift.

If selling: agree in advance on the listing price methodology, so individual opinions don't become arguments.

Personal property (furniture, art, family items) is almost always more emotional than the house itself. Handle it with a clear, written process — round-robin selection, lottery, or appraisal-based division.

If conversations get tense, an estate-mediation attorney or family mediator is far cheaper than a probate dispute.

What Arthur Handles vs. What You Handle

One of the most common questions from heirs: 'How much of this do I have to manage myself?' Here's a clear breakdown.

What Arthur handles	What you and your attorney handle
Pull Title 5 inspection status and flood zone before listing	Engage and instruct a Massachusetts probate attorney
Coordinate vendor access for cleanout, repairs, and inspections	File the probate petition and manage court-related steps

continued

What Arthur handles	What you and your attorney handle
Manage showing logistics, lockbox, and buyer agent communications	Determine whether to sell, keep, or conduct a family buyout
Attend the buyer's home inspection to hear feedback directly	Handle personal property distribution among heirs
Present and negotiate offers; advise on pricing and timing	Sign the Purchase & Sale agreement as Personal Representative
Coordinate with the closing attorney on title and schedule	Provide the License to Sell petition materials to your attorney
Keep you informed with regular written updates	Sign all closing documents and manage estate distributions

Reference — Useful Lower Cape Contacts

Court & registry

- Barnstable Probate & Family Court — 3195 Main Street, Barnstable, MA 02630 · (508) 375-6725
- Barnstable County Registry of Deeds — barnstabledeeds.org (look up the recorded deed and any prior conveyances)

To find local professionals

- Massachusetts Bar Association lawyer referral — massbar.org — for a probate attorney who practices in Barnstable County
- Cape Cod Estate Planning Council — directory of local estate attorneys, CPAs, and trust officers
- A CPA familiar with Massachusetts estate tax and inherited-property basis rules

For the property itself

- Local board of health (each town) — for Title 5 and NRA questions
- FEMA Map Service Center — msc.fema.gov — for flood zone lookup
- MassDEP watershed NRA information — mass.gov/dep

A date-of-death valuation, whenever the family is ready

It is the document that sets the tax basis, and it gets harder to produce the longer it is left. I will put one together in writing — no charge, no obligation, and no expectation that you are selling anything.

If it is useful, I will also walk the family through what a realistic timeline looks like for this particular property, so everyone is working from the same picture.

(774) 209-6032
Call whenever. I answer my own phone. Or
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About Arthur Radtke

I live here year-round, on the water in Orleans, and I work the five Lower Cape towns — Brewster, Chatham, Harwich, Orleans and Eastham.

What I don't have yet is a wall of testimonials. I am building this practice, and I would rather tell you that plainly than have you find it out. So I built the things I could build instead: this library, a sixteen-lesson course you can watch in full before you ever let me through your door, and a written thirty-point marketing plan that gets attached to the listing agreement — so the promises are on paper rather than in a conversation you have to remember afterwards.

About Arthur Radtke *continued*

Everything factual in this guide is sourced — the regulation, the section number, the data and where it came from. Check any of it. That is rather the point.

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Also in the Lower Cape Seller Hub:

- Guide 01 — The Lower Cape Pre-Listing Checklist
- Guide 02 — Title 5 & Flood Zone Cheat Sheet
- Guide 04 — Out-of-State Sellers Playbook
- Guide 05 — Should I Sell This Year? Decision Worksheet
- Guide 06 — Downsizing From a Cape Home Guide
- Guide 07 — The Lower Cape Agent Interview Guide
- Guide 08 — What You'd Actually Keep

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